



United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

**MEMO ENDORSED**

May 28, 2008

BY FAX

Honorable Kevin N. Fox  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street, Room 530  
New York, New York 10007-1312

Re: Juan J. Alvarez v. Astrue  
07 CV 8167 (GBD) (KNF)

Dear Magistrate Judge Fox:

This Office represents the Commissioner of Social Security, defendant in this action. I write respectfully to inform the Court of recent events and to request an extension of defendant's time to move with respect to the complaint.

Pursuant to the Court's order, defendant's motion for judgment on the pleadings was due by April 28, 2008. After one previous extension was granted, the motion is due today, May 28, 2008. After reconsidering his position in this matter, the Commissioner decided to offer plaintiff a remand for further administrative proceedings. I sent a proposed stipulation for remand to plaintiff on May 14, 2008, but it has not yet been returned. To allow plaintiff time to consider the proposed remand, I respectfully request that the time in which to file and serve defendant's motion be extended by thirty days, to June 27, 2008. I contacted plaintiff to ask for his consent but he told me he had an attorney. I then contacted the attorney who told me he intends to file a notice of appearance and that he consents to this request.

Thank you for your consideration of this matter.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

*Susan C. Branagan*  
SUSAN C. BRANAGAN  
Assistant United States Attorney  
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5/28/08  
Application granted.  
SO ORDERED:  
Kevin Nathaniel Fox  
KEVIN NATHANIEL FOX, USM.J. By:

cc: Juan J. Alvarez, Pro Se